

1 COOLEY LLP
STEPHEN C. NEAL (170085) (nealsc@cooley.com)
2 PATRICK E. GIBBS (183174) (pgibbs@cooley.com)
3175 Hanover Street
3 Palo Alto, California 94304-1130
Telephone: +1 650 843 5000
4 Facsimile: +1 650 849 7400

5 Attorneys for Defendants
TESLA, INC., ELON MUSK, BRAD W. BUSS,
6 ROBYN DENHOLM, IRA EHRENPREIS,
ANTONIO J. GRACIAS, JAMES MURDOCH,
7 KIMBAL MUSK, and LINDA JOHNSON RICE

8 LEVI & KORSINSKY, LLP
ADAM M. APTON (SBN 316506)
9 ADAM C. MCCALL (SBN 302130)
388 Market Street, Suite 1300
10 San Francisco, CA 94111
Telephone: (415) 373-1671
11 Facsimile: (212) 363-7171

12 Attorneys for Lead Plaintiff
13 GLEN LITTLETON and the Class

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION
17

18
19 IN RE TESLA, INC. SECURITIES
20 LITIGATION

Case No. 3:18-cv-04865-EMC

**JOINT CASE MANAGEMENT
STATEMENT**

Date: December 4, 2020
Time: 10:30 a.m.
Judge: Hon. Edward M. Chen

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24 Lead Plaintiff Glen Littleton (“Lead Plaintiff”) and Defendants Tesla, Inc., Elon Musk, Brad
25 W. Buss, Robyn Denholm, Ira Ehrenpreis, Antonio J. Gracias, James Murdoch, Kimbal Musk, and
26 Linda Johnson Rice (“Defendants”) (collectively, Lead Plaintiff and Defendants are referred to as
27 the “Parties”) submit this Joint Case Management Statement under the Standing Order for All
28 Judges of the Northern District of California and Civil Local Rule 16-10(d).

The last status conference in this matter occurred on September 3, 2020, during which the Court ordered a further status conference to occur on December 3, 2020. (ECF No. 286). On September 22, 2020, Lead Plaintiff filed his Motion for Class Certification (ECF No. 289) pursuant to the May 31, 2020 Case Management and Pretrial Order for Jury Trial (ECF No. 261). On November 19, 2020, Defendants deposed Plaintiff's expert Michael L. Hartzmark, Ph.D. On November 22, 2020, the Court continued the status conference from December 3, 2020 to December 4, 2020. (ECF No. 295). On November 23, 2020, the Parties filed a Stipulation and [Proposed] Order for Class Certification. (ECF No. 296). The stipulation is currently pending.

1 - 3. JURISDICTION AND SERVICE, FACTS, LEGAL ISSUES.

There have been no updates to these categories since the Parties' last joint case management statement, filed August 27, 2020. (ECF No. 272.)

4. MOTIONS.

Lead Plaintiff filed his Motion for Class Certification on September 22, 2020. (ECF No. 289). On November 23, 2020, the Parties filed a Stipulation and [Proposed] Order for Class Certification. (ECF No. 296). The stipulation is currently pending.

Dispositive Motions are due by October 15, 2021.

5. AMENDMENT OF PLEADINGS.

The last day to amend the pleading was July 31, 2020.

6. EVIDENCE PRESERVATION.

The Parties have reviewed the Guidelines Relating to the Discovery of Electronically Stored Information ("ESI Guidelines"), and confirm that the parties have met and conferred pursuant to Fed. R. Civ. P. 26(f) regarding reasonable and proportionate steps taken to preserve evidence relevant to the issues reasonably evident in this action.

On October 13, 2020, the Parties filed a Stipulation for Discovery of Electronically Stored Information. (ECF No. 293.) On the same day, the Court granted the stipulation. (ECF. No. 294.)

7. DISCLOSURES.

There have been no updates to this category since the Parties' last joint case management statement, filed August 27, 2020. (ECF No. 272.)

1 **8. DISCOVERY.**

2 To date, Lead Plaintiff has made six productions to Defendants, which consist of
3 documents responsive to Defendant's First Request for Production of Documents.

4 To date, Defendants have made three productions to Lead Plaintiff. Defendants have
5 confirmed that they contain all the documents that Defendants produced to the U.S. Securities and
6 Exchange Commission ("SEC") in connection with the SEC's investigation of the Tesla taking-
7 private matter.

8 Discovery is ongoing with a non-expert discovery cut-off of June 15, 2021. Remaining
9 discovery includes document discovery, depositions, and third-party discovery.

10 The Parties continue to conduct discovery in good faith and have identified no discovery
11 disputes to date. The Parties agree to meet and confer in good faith if any dispute arises.

12 **9. CLASS ACTIONS.**

13 On November 19, 2020, Counsel for Defendants deposed Michael L. Hartzmark, the expert
14 retained by Lead Plaintiff's counsel in connection with the Motion to Certify Class.

15 On November 23, 2020, the Parties filed a Stipulation and [Proposed] Order for Class
16 Certification. (ECF No. 295.) The stipulation is currently pending.

17 All attorneys of record for the parties have reviewed the Procedural Guidance for Class
18 Action Settlements.

19 **10 - 11. RELATED CASES, RELIEF.**

20 There have been no updates to these categories since the Parties' last joint case management
21 statement, filed August 27, 2020. (ECF No. 272.)

22 **12. SETTLEMENT AND ADR.**

23 The Parties have met and conferred regarding ADR and are in the process of discussing
24 potential mediators and ADR venues with their respective clients.

25 **13 - 20. CONSENT TO MAGISTRATE JUDGE FOR ALL PROCEEDINGS, OTHER**
26 **REFERENCES, NARROWING OF ISSUES, EXPEDITED TRIAL PROCEDURE,**
27 **SCHEDULING, TRIAL, DISCLOSURE OF NON-PARTY INTERESTED**
28 **ENTITIES OR PERSONS, PROFESSIONAL CONDUCT.**

There have been no updates to these categories since the Parties' last joint case management

1 statement, filed August 27, 2020. (ECF No. 272.)

2 Dated: November 25, 2020

COOLEY LLP

3 By: /s/ Patrick E. Gibbs

4 Patrick E. Gibbs

5 Stephen C. Neal (170085)
6 Patrick E. Gibbs (183174)
7 Samantha A. Kirby (307917)
8 3175 Hanover Street
9 Palo Alto, CA 94304-1130
10 Telephone: (650) 843-5000
11 Facsimile: (650) 849-7400
12 Email: nealsc@cooley.com
13 pgibbs@cooley.com
14 skirby@cooley.com

11 Sarah M. Lightdale (*pro hac vice*)
12 Brian M. French (*pro hac vice*)
13 Bingxin Wu (*pro hac vice*)
14 55 Hudson Yards
15 New York, NY 10001-2157
16 Telephone: (212) 479-6000
17 Facsimile: (212) 479-6275
18 Email: slightdale@cooley.com
19 bfrench@cooley.com
20 bwu@cooley.com

17 *Attorneys for Defendants Tesla, Inc., Elon Musk,*
18 *Brad W. Buss, Robyn Denholm, Ira Ehrenpreis,*
19 *Antonio J. Gracias, James Murdoch, Kimbal*
20 *Musk, and Linda Johnson Rice*

1 Dated: November 25, 2020

LEVI & KORSINSKY, LLP

2 By: /s/ Adam M. Apton

3 Adam M. Apton

4 Adam M. Apton (316506)
5 Adam C. McCall (302130)
6 388 Market Street, Suite 1300
7 San Francisco, CA 94111
8 Telephone: (415) 373-1671
9 Facsimile: (212) 363-7171
10 Email: aapton@zlk.com
11 Email: amccall@zlk.com

12 Nicholas I. Porritt (admitted pro hac vice)
13 Alexander A. Krot III (admitted pro hac vice)
14 1101 30th Street NW, Suite 115
15 Washington, D.C. 20007
16 Telephone: (202) 524-4290
17 Facsimile: (212) 363-7171
18 Email: nporritt@zlk.com
19 Email: akrot@zlk.com

20 Joseph Levi (admitted pro hac vice)
21 Eduard Korsinsky (admitted pro hac vice)
22 55 Broadway, 10th Floor
23 New York, New York 10006
24 Tel: (212) 363-7500
25 Fax: (212) 363-7171
26 Email: jlevi@zlk.com
27 Email: ek@zlk.com

28 Pursuant to Civil Local Rule No. 5-1(i)(3), all signatories concur in filing this Joint Case
Management Statement.

Dated: November 25, 2020

COOLEY LLP

By: /s/ Patrick E. Gibbs

PATRICK E. GIBBS